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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,018	01/16/2004	Jean-Bruno Danczin	P24744	5754

7055 7590 01/25/2007  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER
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PATTERSON, MARIE D

ART UNIT	PAPER NUMBER
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3728

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/25/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/25/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/758,018	DANEZIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marie Patterson	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-18 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-18, and 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-6, 11-13, 18, 20, 21, 22, 25, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardt (2003/0150134) in view of Harrison (6055748).

Hardt shows an inner sole made of flexible material (50 and 52, figure 5) with an abrasive lower surface (see paragraph [0027] substantially as claimed except for the exact means for providing the abrasive lower surface. Harrison teaches the use of a paper material with abrasive materials adhered to one side and adhesive on the other for attachment to items where a sandpaper antislip surface is desired. It would have been obvious to provide the sandpaper antislip surface by using a paper material as taught by Harrison in the inner sole of Hardt to allow a user to easily adjust the location and/or amount of antislip surface desired on the inner sole.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polifroni in view of Hardt (2003/0150134) and Harrison (6055748).

Polifroni shows an innersole (10) with recesses (42 and 44) for anti-slip inserts (48 and 49) and teaches the use of "any suitable slip resistant material" (column 4 line 50) for the inserts. Hardt teaches the use of a rough surface similar to sandpaper for the antislip surface in innersoles (see paragraph [0027]). Harrison teaches providing sandpaper type antislip surfaces by providing a paper substrate with adhesive and a

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coating of abrasive amalgam. It would have been obvious to make the bottom surfaces of the inserts with an abrasive sandpaper-like surface as taught by Hardt and to provide such a surface by providing a sheet of abrasive paper as taught by Harrison in the innersole of Polifroni to provide an antislip surface that may be replaced, altered to adjust the degree of antislip, abrasion, etc..

4. Claims 7, 10, 15-17, 23, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonaventure (5228218) in view of Hardt and Harrison.

Bonaventure shows a ski boot which is conventionally made from rigid plastics (2), a removable liner (11) with a removable innersole (14) substantially as claimed except for antislip insert between the innersole and liner. Hardt teaches providing an antislip abrasive surface on the lower surface of an innersole. Harrison teaches providing sandpaper-like antislip by providing a paper substrate with abrasive material thereon and adhesively attaching the paper to an article. It would have been obvious to provide a sandpaper-like surface on the lower surface of the innersole as taught by Hardt and to use a paper with abrasive material thereon and adhesive for attaching as taught by Harrison on the innersole of Bonaventure to prevent the innersole from slipping during wear.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 7 and 10 above, and further in view of Marega (4920666).

Bonaventure as modified above shows a boot substantially as claimed except for providing an outersole on the liner. Marega teaches providing an outersole (33) on a

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removable liner. It would have been obvious to provide an outersole on the liner as taught by Marega in the boot of Bonaventure as modified above to prevent slipping of the innerboot, increase the durability of the innerboot, etc..

***Claim Rejections - 35 USC § 112***

6. Claims 11, 13, 15, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 11, 13, 15, and 18 the phrase "provides an abrasive anti-slip feature for the inner sole only upon a certain downward pressure being exerted on the inner sole" is confusing, vague, and indefinite because it is not clear what structural limitations applicant intends to encompass with such language. There is no guidance in the specification as to what such language would encompass and the sand paper disclosed is not considered to have such a property.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed 12/8/06 have been fully considered but they are not persuasive. In response to applicants arguments directed towards the 112 rejections. It is not clear what structural limitations/materials applicant intends to encompass with such language. It appears that rubber materials, sandpaper, merely a piece of fabric with a large weave would read on such language, i.e. this language appears to read on almost all antislip materials.

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1. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Other useful information can be obtained at the PTO Home Page at [www.uspto.gov](http://www.uspto.gov).

In order to avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly into the Center at (572)273-8300 **(FORMAL FAXES ONLY)**. Please identify Examiner Marie Patterson of Art Unit 3728 at the top of your cover sheet.

Any inquiry concerning the MERITS of this examination from the examiner should be directed to Marie Patterson whose telephone number is (571) 272-4559. The examiner can normally be reached from 6AM - 4PM Mon-Wed.



Marie Patterson  
Primary Examiner  
Art Unit 3728